

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

360 CONSTRUCTION COMPANY, INC.,

Plaintiff,

CASE NO. 2:11-CV-12344
JUDGE DAVID M. LAWSON
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

ATSALIS BROTHERS PAINTING CO.,
GARRY D. MANOUS,
NICK ATSALAKIS and
ANDREW RICHNER,

Defendants,

**ORDER GRANTING AS UNOPPOSED PLAINTIFF'S MOTION TO COMPEL
RESPONSES TO PLAINTIFF'S THIRD SET OF INTERROGATORIES AND
REQUESTS TO PRODUCE TO DEFENDANT ATSALIS BROTHERS PAINTING CO
(Doc. Ent. 45)**

A. Introduction

Plaintiff 360 Construction Company, Inc., originally filed this case on May 27, 2011 against defendants Atsalis Brothers Painting Co., Garry D. Manous and Nick Atsalakis. The causes of action include (I) interference with business contract, (II) interference with business relationship, (III) defamation per se, (IV) libel, (V) unlawful disparagement and (VI) respondeat superior. Doc. Ent. 1.

On January 24, 2012, plaintiff filed a first amended complaint against the same defendants and added an additional defendant, Andrew Richner. The causes of action remain the same. Doc. Ent. 38.

B. The Instant Motion

Currently before the Court is plaintiff's February 7, 2012 motion to compel responses to plaintiff's third set of interrogatories and requests to produce to defendant Atsalis Brothers Painting Co. Doc. Ent. 45.¹ According to plaintiff, "Defendant has failed to respond or offer complete answers to the discovery requests, which necessitated this motion." Doc. Ent. 45 at 1.

Judge Lawson has referred this motion to me for hearing and determination. Doc. Ent. 47.²

C. Discussion

"A respondent opposing a motion must file a response, including a brief and supporting documents then available." E.D. Mich. LR 7.1(c)(1). Furthermore, "[a] response to a nondispositive motion must be filed within 14 days after service of the motion." E.D. Mich. LR 7.1(e)(2)(B).

Therefore, in the absence of an order stating otherwise, any response to plaintiff's February 7, 2012 motion to compel was due on or about February 24, 2012. Fed. R. Civ. P. 6(d). No order of extension has been entered and, to date, no response has been filed.

D. Order

Upon consideration, plaintiff's February 7, 2012 motion to compel responses to plaintiff's third set of interrogatories and requests to produce to defendant Atsalis Brothers

¹Attached to this motion are Third Set of Discovery (Doc. Ent. 45-2) and February 2, 2012 correspondence to Defendant's Counsel (Doc. Ent. 45-3). *See also* Doc. Ent. 45-1 (Index of Exhibits).

²There are three other motions pending before the Court. Judge Lawson conducted a hearing on defendants' December 27, 2011 motion for protective order (Doc. Ent. 24) on February 13, 2012 and has since entered an order directing parties to file supplemental briefs (Doc. Ent. 50).

Furthermore, Judge Lawson has referred plaintiff's January 11, 2012 motions to compel (Doc. Ent. 28 and 29) to me for hearing and determination, and I am scheduled to hear these motions on March 27, 2012 (Doc. Ent. 61).

Painting Co. (Doc. Ent. 45) is GRANTED AS UNOPPOSED. Accordingly, defendant Atsalis Brothers Painting Co. SHALL respond to plaintiff's December 30, 2011 third set of interrogatories and requests to produce (Doc. Ent. 45-2) within ten (10) days of the date of this order.

IT IS SO ORDERED.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: March 23, 2012

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record by electronic means and/or U.S. mail on March 23, 2012.

s/Michael Williams
Relief Case Manager for the Honorable
Paul J. Komives